

UNISA CODE OF ETHICS AND CONDUCT

1. PURPOSE OF THE CODE

- 1.1. The governance of the University of South Africa (UNISA) is outlined in the Higher Education Act 101 of 1997, the Institutional Statute and takes into consideration the relevant statutes and Codes of Good Corporate Governance to reflect international best practices.
- 1.2. The Code of Ethics and Conduct is formulated to improve the quality of governance at UNISA.
- 1.3. Ethics refers to values, principles, norms and standards that UNISA promotes for guiding and conducting its activities, internal relations and interactions with external persons. Ethics is reflected in a motivation deriving logically from ethical or moral principles which govern a person's thoughts and actions.
- 1.4. It is a policy requirement that UNISA employees conduct themselves with the highest degree of integrity and honesty in all of their dealings. This is a responsibility that is shared equally by all members of the UNISA community, namely members of the UNISA Council¹, Executive Management, academic and administrative employees, students and appointed contractors.
- 1.5. This Code sets out to:
 - define acceptable/unacceptable conduct by employees,
 - promote high standards of ethics in all UNISA endeavours, and
 - establish a framework for professional behaviour and responsibilities.

2. UNISA'S ETHICAL VALUES

All UNISA employees are expected to apply and uphold the following core values:

2.1 Respect

- 2.1.1 Employees undertake to recognize and respect the dignity of every person and to conduct business in a manner that seeks to protect the dignity and human rights of all those involved.
- 2.1.2 Employees must respect fellow employees by acknowledging the moral and cultural norms and values of their colleagues.
- 2.1.3 Employees will conduct all business in an honest, fair and trustworthy manner. This includes fairness of access to opportunities to teach, conduct research and to provide a service to the community.

¹ See Code of Conduct for members of Council.

2.2 Integrity

Academic integrity at UNISA (as it relates to the quality, content, process, ownership, originality and creativity of research and teaching) is important for the academic image and sustainability of UNISA.

2.3 Accountability

2.3.1 UNISA employees undertake to manage all the resources and/or resources put under their authority in a responsible manner. Employees recognize that the resources should be managed in the interest of UNISA and in support of its vision and mission.

2.3.2 Accountability entails acceptance by an employee of responsibility for decisions he/she is involved in taking.

2.3.3 Delegation of a function does not exonerate an employee, who delegated such function, from being held accountable for the actions of the person to whom the function was delegated.

2.4 Excellence

Employees undertake to create an environment within which all can contribute towards building the institution as a centre of excellence in all spheres of its activities. This includes the fields of teaching, research, community engagement, professional and administrative activities.

3. ETHICAL CONDUCT

All UNISA employees shall ensure that their conduct conforms to the following standards and should avoid any conduct that is (or could potentially be) in violation of these standards:

3.1 Proper use of UNISA resources

3.1.1 UNISA resources shall not be used for anything other than their intended purpose.

3.1.2 Employees shall manage UNISA resources prudently and not illegitimately use (or convert) any such resource for their personal benefit or for the benefit of those to whom they are related.

3.1.3 Employees shall not use UNISA resources in a manner that would constitute a violation of the law, such as offering or giving UNISA resources to another person with the intent of bringing about an unjust outcome. Examples of this would be bribes and kickbacks.

3.1.4 Employees have a responsibility with regard to environmental issues when using natural resources such as water and energy for the products, processes and other activities of UNISA. Employees should prevent or minimize the wasting of natural resources.

3.2 Conflict of interest

3.2.1 Confidence in UNISA and its employees is put at risk when there is, or could reasonably appear to be, a conflict between their private interests and their obligations to UNISA.

- 3.2.2 UNISA employees must ensure that their financial and other personal interests and actions do not, or may not reasonably be seen to be in, conflict with their official duties, requirements and obligations in terms of their employment relationship with UNISA.
- 3.2.3 Employees shall not, while still employed by UNISA, undertake external employment whereby they compete directly or indirectly with UNISA.
- 3.2.4 Employees have an obligation not to perform any act that is in conflict with the interests of UNISA as such conflict of interest will impair the relationship of trust between the employee and UNISA.

What to do when a potential conflict becomes apparent?

- 3.2.5 UNISA employees shall:
- declare any actual or potential conflict of interest in any matter under discussion by a UNISA committee or body of which they are members, prior to the discussion of that matter. The member should recuse himself/herself from the meeting unless given leave to remain as a member of the committee and must refrain from participating in any decision making processes on the matter.
 - declare any actual or potential conflict of interest in the course of performing their respective duties. The employee should actively request to be relieved from their activities/duties if it appears to be or is perceived to be a conflict of interest unless express approval in writing to continue with activities/duties is provided by management after they have been informed of the perceived/actual conflict of interest.

Annual declaration of interests

- 3.2.6 Any employee occupying a position of trust shall complete and submit, on at least an annual basis, a Declaration of Interest by Employees² ("form"), to the Executive Director: Human Resources or his/her designate.
- 3.2.7 The form shall be amended, as needed, whenever there is a material change in the circumstances of the reporting person that would make the form then on file materially false or misleading.

Relationship with vendors

- 3.2.8 No employee of UNISA may approve, recommend, or promote a business transaction or otherwise cause UNISA to do business with a supplier or service provider
- in which he/she or his/her immediate family member(s) has a direct personal interest;
 - in which such employee or his/her immediate family member is an officer or senior management employee; or
 - in which such employee or his/her immediate family member (directly or indirectly) owns equity interest;
- unless such employee has disclosed his/her relationship and the relevant circumstances of the contemplated activity, in writing, to the Executive Director: Human Resources or his/her designated officer and:

² Refer to Annexure A

- it is determined (through processes set out below) that the proposed activity is fair to UNISA and will not result in UNISA foregoing revenues, or incurring costs in excess of the costs that would be incurred for goods, property, or services of like quality if acquired from another source.
- 3.2.8.1 The Executive Director: Human Resources will forward this information to the Executive Director: Finance who will report to the Finance and Investment Committee of Council all disclosures made under this paragraph, and the circumstances of all related matters, for such disposition as the Finance and Investment Committee may deem appropriate.
 - 3.2.8.2 When practicable, such reporting to the Finance and Investment Committee of Council shall take place before the proposed activity occurs, but in no event less than quarterly.
 - 3.2.8.3 In exceptional circumstances, however, compelled by exigent time constraints, the Executive Director: Finance, with the concurrence of the Principal and Vice Chancellor, may give provisional approval of an activity covered by this paragraph subject to subsequent ratification by the Finance and Investment Committee of Council.
 - 3.2.8.4 The Executive Director: Human Resources or his/her designated person shall maintain records and minutes of all disclosures and dispositions made under this paragraph.
 - 3.2.8.5 **Definition:** For the purposes of the paragraphs above, the description of "immediate family" in this context includes a spouse, if any, parents, parents-in-law, brothers, sisters, in-laws and any natural or adopted or siblings or children or stepchildren. "Spouse" includes any male or female person with whom the employee is cohabiting as habitual partners.
 - 3.2.8.6 An employee who has a close relationship with a vendor should withdraw from the decision making process.

Gifts

- 3.2.9 No employee shall receive or solicit anything of value in return for influencing or exercising his/her discretion in a particular way on a UNISA matter.
- 3.2.10 In addition, senior managers of UNISA are prohibited from accepting or soliciting any gratuity or thing of value (for which a fair market price has not been paid) (excluding official remuneration) for or as a result of any act performed or to be performed by the senior manager in his/her official capacity with UNISA.
- 3.2.11 This provision does not prohibit the acceptance of an item having a value or ceremonial gifts received by employees in their official capacity. All such gifts received must, however, be declared in the Declaration of Interest to be maintained by the Executive Director: Human Resources or his/her designate.

3.3 Maintenance of accurate accounts and records (physical and digital)

- 3.3.1 The accounts and records of UNISA are maintained in a manner that provides for an accurate and auditable record of all financial transactions in conformity with accepted accounting standards, established business practices, and all relevant provisions of applicable laws.
- 3.3.2 No false or deceptive entries may be made and all entries must contain an appropriate description of the underlying transaction.

- 3.3.3 To the extent not needed for daily operating transactions, all UNISA funds must be retained in the appropriate UNISA accounts with appropriately designated financial institutions and no undisclosed or unrecorded funds or assets shall be established or maintained for any purpose.
- 3.3.4 All reports, vouchers, bills, invoices, payroll information, employee records, and other essential business records must be prepared with due care and honesty.
- 3.3.5 Record-keeping and accounts must be in accordance with accepted accounting standards and otherwise in compliance with all pertinent Government directives and regulations.

Confidentiality

- 3.3.6 Since the unauthorized use of the records and accounts described in the preceding paragraphs can cause UNISA harm, access to such data should be closely controlled. Controlled access should be directed by Management.
- 3.3.7 Employees who improperly use these records and accounts for their own personal gain and/or for the personal gain of another, or who wrongfully disclose such records or accounts, will be subject to appropriate legal action and/or disciplinary sanctions by UNISA.
- 3.3.8 Employees must not disseminate confidential information regarding UNISA, its activities, or any of its stakeholders.
- 3.3.9 Members serving on committees must maintain the confidentiality of meetings. Decisions taken at meetings are binding and members should support such decisions outside the various meetings.
- 3.3.10 To further the enforcement of this standard of conduct, the Principal and Vice Chancellor may direct that certain employees, who occupy sensitive or confidential positions, execute confidentiality agreements with UNISA as a condition of employment or continued employment.

3.4 Fair access to educational benefits and opportunities

- 3.4.1 No employee shall deny a student fair access to all educational opportunities and benefits available at UNISA.
- 3.4.2 Harassment, discrimination or intimidation of students that deny or impede their right of access to these benefits and opportunities will not be tolerated and will be subject to disciplinary action.
- 3.4.3 No employee will be denied a fair opportunity to teach, conduct research, and to provide services to the community in a setting that provides the academic freedom necessary to cultivate a wide expanse of ideas and teaching methods.
- 3.4.4 Unwarranted interruption of classes or other academic activities is an abridgment of the right of UNISA to teach and an abridgment of the rights of the affected students to learn and those responsible will be subject to disciplinary action.

3.5 Academic freedom

- 3.5.1 UNISA recognizes and protects the concept and practice of academic freedom as essential to the proper conduct of teaching, research and scholarship within UNISA.

- 3.5.2 However, academic freedom carries with it the duty of academic employees to use the freedom in a manner consistent with a responsible and honest search for and dissemination of knowledge and truth.
- 3.5.3 Within the ambit of academic freedom lies the traditional role of academics in making informed comment on social morals and practice and in challenging beliefs, policies and structures.

3.6 Intellectual property

- 3.6.1 UNISA has established mechanisms by which equitable returns will be provided to employees who are the originators of intellectual property exploited by UNISA for commercial purposes.
- 3.6.2 The relevant Policy/policies set(s) out the respective rights and obligations of UNISA and its employees in relation to intellectual property belonging to UNISA and procedures for the identification, protection and commercialization of such property. These rights and obligations should be observed at all times.
- 3.6.3 Employees are required to acknowledge authors of works and the ideas they have used. The unethical use of another person's work is known as plagiarism. Plagiarism is the copying directly from another person's work without acknowledging such author.

3.7 Private and consultative practice

Employees whose contracts of employment with UNISA provide for their engagement in private and/or consultative practices may do so subject to the provisions set out in the relevant UNISA policies.

3.8 Research

- 3.8.1 UNISA expects all those engaged in research to observe high ethical standards in the conduct of that research and, when relevant, to comply with the obligations imposed by the codes of practice of relevant professional/regulatory bodies.
- 3.8.2 UNISA's policies² provide a framework for sound research procedures and for the protection of individual researchers from possible misunderstandings. The policies also draw the attention of employees to their obligations concerning the retention and location of data, authorship and conflict of interest in research activities.

3.9 Compliance with laws and regulations

- 3.9.1 UNISA employees are expected to ensure that their actions conform to the requirements of the applicable Laws and regulations within their particular jurisdiction.
- 3.9.2 Whether or not an illegal act is committed in a personal capacity or as an employee of UNISA, and regardless of whether a violation occurs on or off campus, if that violation of Law reflects unfavourably on UNISA, it will be deemed a breach of this Code of Ethics and Conduct.

3.10 Relationship with organs of the State

- 3.10.1 UNISA will not withhold material information from the Government, or engage in any other course of conduct that may be or appear to be deceptive or misleading towards government institutions.

- 3.10.2 If an/the employee(s) of UNISA are requesting Government funding or the award of a Government contract or grant, the employee(s) have an affirmative obligation to make full, accurate, and honest representations concerning all relevant information submitted to or requested by the Government institution providing the funds.

3.11 Employment practices

- 3.11.1 No UNISA employee shall engage in any employment practice that is a violation of any Law in the Republic of South Africa or any country where UNISA may have employees.
- 3.11.2 UNISA will, in all of its local and international operations, uphold internationally proclaimed human rights or labour standards. This includes:
- Not engaging in forced, or child labour; and
 - Upholding the right to freedom of association and collective bargaining.
- 3.11.3 No one in a supervisory position, or in any position of higher authority in UNISA, is to use his/her position to intimidate subordinate employees or to exact personal favours or things of value (for which a fair market price has not been paid) from employees of lesser rank within UNISA.

3.12 Respect and dignity in the work place

- 3.12.1 UNISA employees are expected to treat each other and members of the public with courtesy, professionalism, and civility.
- 3.12.2 UNISA employees shall not engage in, nor tolerate any form of harassment (including sexual harassment), or bullying.
- 3.12.3 UNISA employees shall not engage in, nor tolerate any form of unfair discrimination, for example on the basis of race, gender, religion, sexual orientation, or political affiliation.

3.13 Healthy and safe work environment

UNISA employees shall uphold a safe and healthy work environment. Among other things this means reporting to the health and safety representative when they are aware of a health and safety risk in the work environment. For more guidance see the UNISA Health and Safety Policy.

3.14 Public pronouncements

- 3.14.1 All public pronouncements of and relating to UNISA are the sole responsibility of the Corporate Marketing and Communication Department. Thus no UNISA employee shall make any such pronouncements without express authorisation by that department. Any pronouncements made in contravention of this requirement will be deemed a breach of this Code.
- 3.14.2 Individuals making statements other than official UNISA communication must always explain the capacity in which they make such statements and no employee is precluded from making any private statements to the public.

3.15 Duties of UNISA employees in relation to misconduct

- 3.15.1 UNISA is subject to the provisions of the Prevention and Combating of Corrupt Activities Act 12 of 2004. The Principal and Vice Chancellor has an obligation

under the Act to report any fraud or suspected fraud involving an amount of R100 000.00 or more to the South African Police Services (SAPS).

- 3.15.2 The duty to report offences to the SAPS under the Prevention and Combating of Corrupt Activities Act 12 of 2004, is delegated to the Assistant Principal at UNISA without absolving the Principal and Vice Chancellor of the duty as the party specified in the Act.
- 3.15.3 UNISA is furthermore subject to the provisions of the Protected Disclosures Act 26 of 2000. In terms of this Act, the Principal and Vice Chancellor is obliged to put in place mechanisms to facilitate the anonymous reporting of irregular acts and behaviour by UNISA stakeholders. Employees are encouraged to use the UNISA Ethics hotline³ to make protected disclosures of known instances of fraud/irregularities. All rights and duties of the person making such disclosures are outlined in the UNISA Policy on Whistle Blowing.
- 3.15.4 Employees who suspect the occurrence of fraudulent/irregular conduct affecting UNISA activities should report this to their supervisor, or if the supervisor is the person suspected of this conduct, to the person to whom the supervisor reports.
- 3.15.5 Employees have a responsibility towards the employer, their fellow employees and external persons in respect of their activities, amongst others, to:
 - combat and prevent corrupt activities; and
 - report criminal and other irregular conduct in UNISA which are detrimental to good governance.
- 3.15.6 Every employee of UNISA has a duty to cooperate with the UNISA's designated officials in the initiation and defence of actual or contemplated litigation affecting the interests of UNISA and in the conduct of any investigation of a violation of this Code of Ethics and Conduct.
- 3.15.7 All employees have a duty to UNISA to always act in good faith, with the care which a reasonably prudent person in a similar position would exercise under similar circumstances, and in a manner reasonably believed to be in the best interests of UNISA.

4. IMPLEMENTATION OF CODE

The previous Code is replaced with effect from the date on which Council approves this revised Code.



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Approved – Council – 30.11.07

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Revision – approved – Man Com – 03.11.09 (subject to approval of Council)

